

TOLEDO PROPOSED CHARTER 1914



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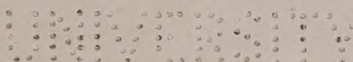
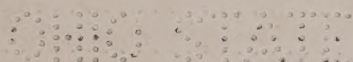
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Proposed Charter

FOR THE

City of Toledo

*Prepared and Proposed by
The Charter Commission*



Election Day—Tuesday, Nov. 3, 1914

JS 1491

A8

1914

TABLE OF CONTENTS.

Chapter	Page
I—How and When Charter Takes Effect—Construction	7
II—Powers of the City	9
III—Nominations and Elections	11
IV—Legislative Powers and Duties	17
V—The Executive	27
VI—Initiative, Referendum and Recall	31
VII—Administrative Departments and Divisions	37
VIII—The Civil Service Commission	53
IX—Commission of Publicity and Efficiency	59
X—Commissions of the Sinking Fund and of City Plan	61
XI—Assessments and Improvements	63
XII—Franchises	70
XIII—Contracts	73
XIV—Sub-Divisions and Dedications	75

TOLEDO, OHIO, JULY 21ST, 1914.

TO THE HONORABLE CHARTER COMMISSION.

Gentlemen:

The undersigned, committee on arrangement and phrasology, beg leave to report that they have taken the printed copy of the report of the committee of the whole as revised at the last meeting of the commission, and have re-arranged its various sections and revisions, with a view to producing a systematic result. In so doing it was necessary, in some instances, to break sections, and transfer provisions from one section to another, but, speaking generally, it is the opinion of the committee that every provision in the draft referred to has been preserved in effect, except that the section which gave council power to fill vacancies in elective offices has been entirely omitted, for the reason that, owing to the change in the manner of choosing the director of finance and the director of law, there was nothing for the section to operate upon; and section 126, as numbered in the printed draft, being the section creating a director of the department and chief examiner for the classified list. We respectfully recommend that this section be omitted.

A large part of the work of the committee has been in the direction of condensation, by bringing together in one place provisions that were repeated, and by omitting other portions that were clearly redundant.

The committee recommends that the charter be arranged in the following order:

PREAMBLE.

CHAPTER I, How and When Charter Shall Take Effect, under which are grouped seven sections.

CHAPTER II, Powers of the City, three sections.

CHAPTER III, Nominations and Elections, fifteen sections.

CHAPTER IV, Legislative Powers and Duties, thirty-five sections.

CHAPTER V, The Executive, fourteen sections.

CHAPTER VI, Initiative, Referendum and Recall, twenty-six sections.

CHAPTER VII, Administrative Departments and Divisions, sixty-two sections.

CHAPTER VIII, The Civil Service Commission, fourteen sections.

CHAPTER IX, Commission of Publicity and Efficiency, six sections.

CHAPTER X, Commissions of the Sinking Fund and of City Plan, six sections.

CHAPTER XI, Assessments and Improvements, twenty-one sections.

CHAPTER XII, Franchises, ten sections.

CHAPTER XIII, Contracts, six sections.

CHAPTER XIV, Sub-Divisions and Dedications, five sections.

The committee ventures to suggest a number of new things for the charter, not only for the purpose of clarifying the original draft, but to complete what it conceives to be the commission's wish.

We add sections 6 and 7 of the committee's report, 6 being a section on definitions of words, by the use of which much space was saved in the body of the instrument; and section 7 providing that the provisions of the charter should have application to every condition to which they seem to be pertinent.

To the enumerated powers of the city, section 8 as we number it, we have added to clause (g) a limitation that no obligation of the city should be sold for less than par and accrued interest; and to clause (f) we have added what was in the printed draft a separate section, the provision that taxes could be collected for the purchase, etc. of play grounds, gymnasiums and recreation facilities.

We have materially modified what we number section 90, being a part of section 21 of the printed draft, to provide a time within which nominations might be made by primary for candidates to contest with the recalled officer. The original section was clearly inoperative. And we have added provisions to the chapter which were not in the original draft, providing duties to the clerk to notify the election authorities of the impending election and to certify facts to the council; and also to the chapter prescribing the duties of the council, a direction to pass as an emergency measure provision for the paying of the expense of special elections.

We have also suggested as new matter what we number sections 121, 122 and 123, requiring the director of finance to inform the council, the mayor and the commission of publicity and efficiency of the condition of the bonded indebtedness of the city before any new issue is authorized to be made, and to make a report on the complete indebtedness of the city annually, and to make imperative the acceptance of unconditional bids for bonds only.

We have also taken the liberty of amplifying printed section 84, which we number 124, to provide that the accounting system installed shall show completely at all times the condition of the city's assets and liabilities, and the value of its properties and the state of the several funds of the city, and to be in all respects, as far as the nature of the city's business permits, such as are maintained by the best business usage.

The committee recommend a section, which it has numbered 165, providing that the organization of the department of public utilities shall be held in abeyance until further public utilities are acquired, and that in the meantime the division of water shall be under the department of public service.

We have also drafted sections 158, 159 and 160, providing for divisions of light and heat, transportation, communications, to be operative when utilities of that character are respectively acquired.

We recommend sections 161 and 162, which we have drafted, making provision that every public utility operated by the city should be managed to bear a revenue that will defray all of its expenses, including those of depreciation, maintenance and the extinguishing of indebtedness; and for the installation of an accounting system that will make it possible to know what rate of service to charge in order to have the revenue meet the expenses.

The committee further recommends, in the interest of uniformity, that the bureau of research, etc., be called the commission of publicity and efficiency, as in chapter 9; and that the trustees of the sinking fund be called the commission of the sinking fund.

We have taken the liberty of completely rewriting and greatly enlarging the powers of the commission on publicity and efficiency, known as the bureau of research, etc., in the original draft, in an effort to make it an independent and efficient agency of municipal affairs, both to disseminate information as to the conduct of the city's business, and to suggest improved methods. As part of its functions, we suggest it be given the editing and publication of the Toledo City Journal, and request the commission's careful attention to the legislation we propose, as contained in our chapter 9.

We have modified printed section 169, which is 231 in our numbering, in order to make its provisions consistent with the provisions for a city plan commission. The modification consists in requiring the cooperation of the platting commis-

sion with the city plan commission respecting the approval of the platting of lands and streets, etc. Section 77, and the last sentence of 94 are new, recommended by us. We also recommend that the division of cemeteries be transferred as we have done, to the department of public welfare, because of its intimate relation to public health, and we have added the second paragraph to section 104.

The committee has made a uniform provision that members of the various commissions, civil service, etc., shall take their office the first day of April, and has so rewritten the several sections authorizing their appointment as to make it clear that terms shall lap, and that but one commissioner on each of the several commissions shall begin a new term, excepting in case of vacancy, in any one year. Other important changes will be orally submitted.

Respectfully submitted,

JOHN M. KILLITS,
DANIEL H. JAMES,
WM. B. GUITTEAU.

THE CHARTER

of the

CITY OF TOLEDO

Preamble.

We, the people of the City of Toledo, in order fully to secure and exercise the powers of local self-government, do enact and ordain this charter.

CHAPTER I.

HOW AND WHEN CHARTER TAKES EFFECT—CONSTRUCTION.

When Charter Shall Take Effect.

SECTION 1. For the purpose of nominating and electing officers and all purposes connected therewith, and for the purpose of exercising such preliminary legislative powers by the city council as are herein provided, this charter shall take effect on the first day of January, 1915. For the purpose of establishing departments, divisions, and offices, and distributing the functions thereof, and for all other purposes, it shall take effect on the first day of January, 1916. The council during the year 1915 may pass any ordinance, to be operative on and after January 1, 1916, designed to carry out the provisions of this charter. Such ordinance shall be in accordance with the statutes, respecting passage and publication.

Continuance of Legislation.

SECTION 2. All ordinances and resolutions in force when this charter takes effect, and parts of such ordinances and resolutions not inconsistent with its provisions, shall continue in force until amended or repealed.

Continuance of Present Officers and and Employes.

SECTION 3. All persons holding office at the time this charter goes into effect shall continue in office and in the per-

formance of their duties until provision shall have been otherwise made in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers and duties which are conferred and imposed upon any officer, commission, board or department of the city under the laws of the state shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, powers and duties under this charter.

Continuance of Existing Contracts.

SECTION 4. All contracts entered into by the city for its own benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such legislation.

Amending Charter.

SECTION 5. Any amendment to this charter may be submitted to the electors of the city for adoption by resolution of the council, two-thirds of the members thereof concurring, and shall be submitted when a petition is filed with the clerk of the council setting forth the proposed amendment and signed by electors equal in number to twenty per cent of the first choice votes for mayor at the last election. In either case the proposed amendment shall be voted upon at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after the passage of a resolution therefor by the council, or after the clerk has determined upon the sufficiency of the petition therefor. Otherwise, a special election shall be called and held within the time aforesaid for the consideration of such proposed amendment. It shall be the duty of the clerk to notify the election authorities of the adoption by the council of a resolution for submission of a proposed amendment, or of his determination that a sufficient petition for submission has been filed with him; and he shall request the election authorities to provide for an election as aforesaid. Not less than thirty days prior to the election, the clerk shall mail a copy of the proposed amendment to

each elector whose name appears upon the last complete registration of the electors of the city.

Definitions.

SECTION 6. Unless the context compels a different meaning, the word "officer," where found in this charter, shall be understood to mean one appointed or elected to the service of the city not as a mere laborer and not in the classified civil service;

The word "employee", one who serves the city in the classified civil service;

The word "laborer", an ordinary unskilled laborer in the service of the city;

The word "clerk", the clerk of the council;

The words "election authorities", the officers designated by statute to conduct elections;

The word "electors", residents of the city qualified to vote to fill all elective offices;

The words "city journal", The Toledo City Journal;

The word "measure" used in connection with legislation, an ordinance or resolution of the council, or amendment to this charter, as the case may be;

The word "statute", the general law of Ohio.

Provisions General.

SECTION 7. Unless a special application, only, is manifest from the language or context, every provision of this charter shall be deemed applicable to any condition or situation to which a provision of its tenor and effect is seen to be pertinent.

CHAPTER II.

POWERS OF THE CITY.

General Powers.

SECTION 8. The inhabitants of the City of Toledo, as its limits at the time of the adoption of this charter are, or hereafter may be defined, shall be a body politic and corporate by name of the City of Toledo, and as such shall have perpetual succession and the following rights and powers:

(a) To use a corporate seal.

(b) To sue and be sued.

(c) To acquire property in fee simple or a lesser interest or estate therein by purchase, gift, devise, bequest, appropriation, lease, or lease with privilege to purchase.

(d) To sell, lease, hold, manage and control such property, and make all rules and regulations by ordinance or resolution which may be required to carry out fully the provisions of any conveyance, deed or will, in relation to any gift or bequest, or the provisions of any lease by which the city may acquire property.

(e) To purchase, conduct, own, lease, and appropriate public utilities, and to regulate public utilities under private ownership.

(f) To assess, levy and collect taxes on all property which the city may lawfully tax for general and special purposes, including taxes for the purchase, lease, equipment, maintenance and operation of public playgrounds, gymnasiums, swimming pools, or other recreation facilities which tend to the upbuilding of a sturdier citizenship.

(g) To borrow money on the faith and credit of the city by the issue and sale of bonds or notes of the city; but no such obligation shall be sold by the city for less than par value and accrued interest.

(h) To appropriate the money of the city for all lawful purposes.

(i) To create, provide for, construct, regulate and maintain all things in the nature of public works, buildings and improvements.

(j) To levy and collect assessments for local improvements.

(k) To license and regulate persons, corporations, and associations engaged in any lawful business, occupation, profession or trade.

(l) To define, regulate, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and all nuisances, and causes thereof.

(m) To regulate the construction and height of all buildings, the materials used therein, and the maintenance and occupancy thereof.

(n) To provide for the destruction of noxious weeds, and for the payment of the expense thereof by assessment or otherwise.

(o) To regulate the erection of fences, billboards, signs, and other structures, and provide for the removal or repair of insecure bill-boards, signs, and other structures.

(p) To regulate and control the use for whatever purposes, of the streets and other public places.

(q) To create, establish, organize and abolish offices, and fix the salaries and compensation of all officers and employes.

(r) To make and enforce local police, sanitary and other regulations.

(s) To pass such ordinances as are expedient for maintaining and promoting the peace, good government and welfare of the city, and the morals and happiness of its citizens, and for the performance of all municipal functions.

Appropriation of Property.

SECTION 9. Property within or outside the corporate limits of the city may be appropriated for any public or municipal purpose, according to the requirements of, and as provided by, statute.

Enumeration Not Exclusive.

SECTION 10. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive; but in addition to the powers enumerated or implied therein, or appropriate to the exercise thereof, the City of Toledo shall have and may exercise all other powers which under the constitution and laws of Ohio now are, or hereafter may be, granted to cities. Powers proper to be exercised, and not specially enumerated herein, shall be exercised and enforced in the manner prescribed by this charter; or, when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council, or by statute.

CHAPTER III.

NOMINATIONS AND ELECTIONS.

Nomination of Candidates.

SECTION 11. The mode of nomination of all elective officers provided for by this charter shall be by primary election only, which shall be held the first Tuesday after the second

Monday in September 1915, and thereafter on the first Tuesday after the second Monday in September of the odd numbered years. The name of any elector shall be printed upon the primary ballot, when a petition in the form hereinafter prescribed shall have been filed in his behalf with the election authorities. Such petition shall be signed by at least one thousand electors, if for nomination to an office filled by election from the city at large; and by at least one hundred electors of the ward, if for nomination to an office filled by election from a ward.

Form of Primary Petitions.

SECTION 12. The form of the petition papers shall be substantially as follows:

(Form of Petition Paper.)

We, the undersigned, hereby present
, whose residence is
 Toledo, for the office of to be
 voted for at the primary election to be held in the city on the
 day of, 19..; and we individually
 certify that we are qualified to vote for candidates for the
 above office and that we have not signed any other petition
 presenting any other candidate for the said office.

Name. Street and Number.
 (Space for Signatures)

Lucas County, State of Ohio, ss.

....., being duly sworn, deposes
 and says that he is the circulator of the foregoing petition
 paper containing signatures, and that
 the signatures appended thereto were made in his presence and
 are the signatures respectively of the persons whose names
 they purport to be.

(Signed)

Subscribed and sworn to before me this day of
, 19....

Notary Public.

This petition, if found insufficient, shall be returned to
 at No.
 Street, Toledo, Ohio.

Signing Primary Petitions.

SECTION 13. The signatures to a primary petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of each paper, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition after his name, his place of residence by street and number.

Petition Papers to Be Assembled.

SECTION 14. All primary nominating papers comprising a petition shall be assembled and filed with the election authorities as one instrument, at least thirty days prior to the date of holding the primary election with respect to which such petition is filed.

Acceptance of Candidacy.

SECTION 15. Any person whose name has been submitted for candidacy by such petition shall file with the election authorities, not later than twenty-five days before the primary election, his acceptance of such candidacy; and also his affidavit duly attested that he possesses the qualifications for said office, required by charter and by statute. In the absence of such acceptance and affidavit, the name of the candidate shall not appear on the ballot. At least twenty-five days before such primary election, the names of all candidates and the offices for which they are to be nominated, shall be published in two English daily newspapers of general circulation in the city. The expense of such publication shall be paid by the city.

Primary Candidates Unlimited.

SECTION 16. The ballots used at the primary elections shall be substantially the same as those used for the regular elections, except that at the primary the number of candidates for nomination to any office is not limited.

Who Shall Be Nominees.

SECTION 17. At primary elections, any candidate for nomination for any office receiving a majority in number of first-choice votes for such nomination, shall be placed upon the ballot at the next regular municipal election, without consideration of his second-choice votes. In case of candidates who do not receive a majority of first-choice votes for such nomination, the second-choice votes received by each candidate respectively shall be added to his first-choice votes, and the candidates receiving the largest number of first and second-choice votes combined, shall be declared nominated, provided that not more than three candidates shall be nominated for any one office including any candidate who may receive a majority of first-choice votes as a first choice.

No Party Designation.

SECTION 18. All ballots used in elections held under authority of this charter shall be without party mark or designation. Ballots used either at a nominating primary or at a regular election, shall contain a complete list of the offices to be filled, with the names of candidates for each office arranged under the title thereof, as provided in section 19 of this charter. The ballots shall be so printed that each elector shall be enabled to designate for each office the candidate of his first choice and the candidate of his second choice.

Ballots—Instructions.

SECTION 19. Except that the crosses here shown shall be omitted, the ballots shall be printed substantially as follows:

(Form of Ballot)

Regular (or Special) Municipal Election.

Ward

Register No.

To vote for any candidate make a cross (x) in the appropriate square to the right of his name.

Vote your first choice in the first column.

Vote your second choice in the second column.

Do not vote your first and second choice for the same candidate.

If you wrongly mark, tear or deface this ballot, return it and obtain another.

For Mayor	FIRST CHOICE	SECOND CHOICE
John Doe	X	
Richard Roe		
Henry Coe		X
For Vice Mayor		
William Poe		
George Black		X
Harry Johns	X	
For Council		
Ray Burg		X
Michael Bass		
Fred Ball	X	

Rotation of Names.

SECTION 20. The names of candidates on all ballots shall be printed in rotation as follows:

The ballot shall be printed in as many series as there are candidates for the office for which there is the greatest number of candidates. The whole number of ballots to be printed shall be divided by the number of series and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots the names of candidates for each office shall be arranged in alphabetical order under the title thereof. After printing the first series the first name in each list of candidates for the various offices shall be placed last in such list and the next series printed, and the process shall be so repeated until each name in the largest list of candidates shall have been printed first an equal number of times. The ballots so printed shall be then combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together in the same tablet. Provision shall be made on the ballot for the printing of charter amendments, ordinances or other matters to be voted upon.

Counting.

SECTION 21. In counting the ballots cast in any election held under the authority of this charter, the precinct officers shall enter the total number of ballots on a tally sheet provided therefor. They shall also carefully enter on such tally sheet the number of first-choice and second-choice votes for each candidate, and make return thereof to the election authorities provided for by statute.

Only one vote shall be counted for any one candidate on any one ballot. If two votes are cast for the same candidate on the same ballot, the higher choice only shall be counted.

If but one choice is voted on a ballot it shall be counted as a first choice.

If more than one choice for the same office is voted in the first column on any ballot, the first in order shall be counted as a first choice, and the second in order as a second choice.

If more than one choice for the same office is voted in the second column on any ballot, the first in order shall be counted as a first choice and the second in order as a second choice.

Ballots marked with more than two crosses for any one office shall be declared void.

Who To Be Declared Elected.

SECTION 22. The candidate for any office receiving a majority of first-choice votes cast for candidates for that office shall be declared elected. The word "majority" as here used shall mean more than one-half of the total first-choice votes cast at such election for the office in question. If no candidate shall receive a majority of first-choice votes for such office, then the second-choice votes received for each candidate respectively for such office shall be added to his first-choice votes, and the candidate receiving the largest number of first-choice and second-choice votes combined shall be declared elected.

Deciding a Tie Vote.

SECTION 23. A tie between two or more candidates shall be decided in favor of the one having the largest number of first-choice votes. If two or more are equal in that respect, the result shall be determined by lot under the direction of the election authorities.

Elections—When Held.

SECTION 24. A general election for the choice of elective offices provided for in this charter shall be held on the

first Tuesday after the first Monday in November, 1915, and on the first Tuesday after the first Monday of November in each second year thereafter. Elections so held shall be known as regular elections. All other elections held under the provisions of this charter shall be known as special elections.

Elections—How Conducted.

SECTION 25. All elections shall be conducted and the results canvassed and announced by the election authorities, and, except as otherwise provided, elections shall be under the statute.

CHAPTER IV.

LEGISLATIVE POWERS AND DUTIES.

Council—Wards—Councilmen	Sections 26-36
Conduct of Legislation	Sections 37-44
Appropriating and Expending	Sections 45-50
General Provisions—Veto—Audits	Sections 51-59

The Council.

SECTION 26. Except as reserved to the people by this charter, the legislative power of the city shall be vested in a council, one member of which shall be elected from each separate ward. Councilmen shall be elected for a term of two years, and shall serve until their successors are elected and have qualified. Except when caused by a recall election, vacancies in the council shall be filled by the council for the unexpired term. If the council fail to fill such vacancy within thirty days, the mayor shall fill it by appointment.

Division of City Into Wards.

SECTION 27. Before June 1, 1915, the present council shall divide the city into sixteen wards, not less than three of which shall be on the east side of the Maumee River. After each recurring federal census, and within three months after the proclamation by the Secretary of State of the population of the cities of Ohio, the council shall redivide the city into wards upon the basis of not less than ten thousand nor more than

fifteen thousand persons in each ward. But all wards formed by the council shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries or street lines. When territory is annexed to the city, the council by ordinance shall declare it a part of the adjacent ward or wards. If the council fails to make such subdivision into wards within the time herein required, the president of the council shall notify the director of law, who shall make such subdivision within thirty days thereafter.

Qualifications of Councilmen.

SECTION 28. Members of the council shall have the qualifications of electors of the city, and shall have been residents therein for at least three years, and of the ward from which elected for at least one year, next preceding their election. A member who, at the time of his election, was a resident of the ward which he represents, shall forfeit his office if he remove therefrom. Councilmen shall not hold any other public office or employment except that of notary public or member of the state militia, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office.

Interest of Councilmen in City Contracts.

SECTION 29. The interest for gain of any councilman in any contract with the city shall be ground to avoid such contract, either by action of the council or by the determination of any tribunal having jurisdiction.

Councilmen Shall Not Interfere With Administration.

SECTION 30. Except in so far as is necessary in the performance of the duties of his office, no member of the council shall interfere, directly or indirectly, with the conduct of the administrative department, or directly or indirectly take any part in the appointment, promotion or dismissal of any officer or employe in the service of the city other than the officers or employes of the council.

Salary and Attendance of Councilmen.

SECTION 31. The salaries of councilmen first elected under this charter shall be fixed at five hundred and fifty dollars per annum, payable semi-monthly. Thereafter by ordinance passed in any even numbered year, the council may change the salary of members thereafter elected; but such

salary shall in no case exceed nine hundred dollars per annum.

For each absence of a member from regular meetings of the council, unless authorized by a two-thirds vote of all members thereof, there shall be deducted a sum equal to two per cent of the annual salary of each member. For each absence of a member from a council committee meeting, whether regular or called, unless authorized by a two-thirds vote of all members of the council, there shall be deducted a sum equal to one per cent of the annual salary of such member. Absence from ten consecutive regular meetings of the council, or from ten consecutive committee meetings, shall operate to vacate the seat of a member, unless such absence be authorized by the council.

Meetings of Council.

SECTION 32. At seven-thirty o'clock P. M. on the first Monday of January, following a regular municipal election, the council shall meet at the usual place of holding meetings, at which time the newly elected councilmen shall take office. Thereafter the council may meet at such times as may be prescribed by ordinance or resolution. The mayor, vice mayor, or any five members, may call special meetings upon at least twelve hours' written notice to each member, served personally on each or left at his usual place of residence. Such notice shall state the subjects to be considered at the meeting, and no other subject shall be then considered. All meetings of the council or committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Officers and Employes.

SECTION 33. At the first meeting in January following a regular municipal election, the council shall elect one of its members president pro tempore, who shall preside at all meetings in the absence of the vice mayor. The council shall also choose a clerk and such other officers as are necessary, who shall serve at the pleasure of the council. The clerk and employes shall hold over until the new council is organized.

Duties of Clerk.

SECTION 34. The clerk shall keep the records of the council; he shall make an annual report giving a summary of the council proceedings and a summary of the operations of the

administrative department for the previous fiscal year. He shall have charge of the editing, printing and distribution of the municipal records, reports and documents; he shall collect and supply information and statistics for all departments and offices of the city, and shall perform such other duties as may be required by this charter or by ordinance.

Rules.

SECTION 35. The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of two-thirds of all members elected, nor until the delinquent member shall have been notified of the charge against him, and shall have been given an opportunity to be heard.

Qualifications—Quorum.

SECTION 36. The council shall be the judge of the election and qualifications of its members. A majority of all the members elected shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Action by Ordinance or Resolution—Yeas and Nays.

SECTION 37. The action by the council shall be by ordinance or resolution. On the passage of every ordinance or resolution, the vote shall be taken by "yeas" and "nays", and entered upon the journal, but this shall not apply to the ordering of an election, or the direction of the council to any board or officer to furnish information.

Three Readings Required—Suspension of Rule.

SECTION 38. Except as to emergency measures, no ordinance or resolution of a general or permanent nature, or one granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be finally passed unless it has been read on three different days. With respect to any such ordinance or resolution, there shall be no authority to dispense with this rule, except by a three-fourths vote of the members, taken by "yeas" and "nays," and entered on the journal. By vote of a majority of the members present, the

first and second readings may be by title only. The third reading shall be in full unless the measure shall have been printed and a copy thereof placed on the desk of each member prior to said third meeting, in which case, by vote of a majority of the members present, the third reading may be by title only.

Votes Necessary to Pass Legislation.

SECTION 39. No ordinance or resolution shall be passed by the council at any meeting unless a majority of the council present concur therein, nor be finally passed without the concurrence of a majority of all the members thereof; and no emergency measure shall be finally passed without the concurrence of two-thirds of all the members of the council.

When Measures Take Effect.

SECTION 40. Emergency measures shall take effect from and after their passage. All other ordinances and resolutions shall be in effect from and after thirty days from passage.

Proposed Measures To Be In Writing or Printed.

SECTION 41. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the City of Toledo."

Amended Ordinances.

SECTION 42. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contain the entire measure or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

Emergency Measures —Limitation—Definition.

SECTION 43. No ordinance or resolution shall be passed as an emergency measure unless an emergency exists in fact, and a statement of the fact and nature thereof must be made in the preamble thereto. An emergency measure is one dealing with the immediate preservation of the public peace, health, safety or property, and an ordinance appropriating money may

be passed as an emergency measure. No measure making a grant, renewal, or extension of a franchise, or of a special privilege, or regulating rates to be charged for service by any public utility, shall ever be declared an emergency measure.

Expense of Special Elections.

SECTION 44. When a special election is required, the council as an emergency measure shall appropriate the money necessary to provide the expense thereof, to be disbursed on the voucher of the election authorities countersigned by the clerk.

Mayor's Estimate.

SECTION 45. The fiscal year of the city shall begin on the first day of January. On or before the fifteenth day of November in each year, the mayor shall prepare an estimate of the expense of conducting the affairs of the city for the following year. The estimates shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the director of finance, and shall set forth:

(a) An itemized estimate of the expense of conducting each department.

(b) Comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years, and with the expenditures of the current fiscal year, plus an estimate of expenditures necessary to complete the current fiscal year.

(c) Reasons for proposed increases or decreases in such items of expenditures compared with the current fiscal year.

(d) A separate schedule of each department showing the things necessary for the department to do during the year, and things desirable to do if funds permit.

(e) Items of payroll increases as either additional pay to present employes or pay for more employes.

(f) A statement from the director of finance of the anticipated income of the city from taxes for the period covered by the mayor's estimate.

(g) An itemization of all anticipated revenue from sources other than the tax levy.

(h) The amounts required for interest on the city's debt, and for sinking funds as required by law.

(i) The total amount of outstanding city debt with a schedule of maturities of bond issues.

(j) Such other information as may be required by the council.

The mayor shall submit the estimate thus prepared to the council, and at least one thousand copies thereof shall be printed for distribution to citizens who may call for them. Copies of the estimate shall also be furnished to the newspapers of the city, and to the public library, and the substance thereof shall be published in the city journal.

Appropriation Ordinance—Hearings.

SECTION 46. Upon receipt of the mayor's estimate, the council shall at once prepare an appropriation ordinance, using the mayor's estimate as a basis. Provision shall be made for public hearings upon the appropriation ordinance before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, and before the third reading for final passage, the appropriation ordinance shall be published in the city journal with a separate schedule setting forth the items asked for in the mayor's estimate which were refused or changed by the council, and the reasons for such change or refusal. The council shall not pass the appropriation ordinance until fifteen days after its publication, nor before the first Monday in January. Upon passage of the appropriation ordinance by the council, it shall be published in the manner provided for other ordinances.

Reversion of Unexpended Balances.

SECTION 47. At the end of each year all unexpended balances of appropriations shall revert to the respective funds from which the same were appropriated, and shall then be subject to future appropriation; but appropriations may be made in furtherance of improvements or other objects or work of the city which will not be completed within the current year.

Appropriations Not to be Diverted.

SECTION 48. Moneys appropriated as hereinbefore provided shall not be used for other purposes than those designated in the appropriation ordinance without authority from the council. The mayor and the director of finance shall supervise all departmental expenditures within the appropriations.

Use of Current Revenue.

SECTION 49. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balance at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the council to such uses as will not conflict with any uses for which specifically such revenues accrued.

Transfer of Funds.

SECTION 50. The council may at any time transfer money appropriated for the use of one department, division, or purpose, to any other department, division, or purpose; but no such transfer shall be made of revenue or earnings of any non-tax-supported public utility to any other purpose.

Public Places and Ways.

SECTION 51. The council shall provide for the care, supervision, control and improvement of public highways, bridges, streets, avenues, alleys, sidewalks, public grounds, aqueducts and viaducts, within the city, and shall cause them to be kept open, in repair, and it may order any street, alley, or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated.

Vacating Streets and Changing Street Names.

SECTION 52. In vacating any street or part thereof, or in changing the name of any street, the council may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue or alley; but before vacating any street or part thereof, or narrowing any street, the council shall first pass a resolution declaring its intention so to do. The mayor shall cause notice of such resolution to be served, in the manner that service of summons is required to be made in civil actions, upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing, and by one publication in a newspaper of general circulation in the city as to all the persons who cannot be personally served. Said notice shall state the time and place at which objections to such change can be heard before the board of revision of assessments. Upon the report by the board of revision of assessments approving the proposed vacation or narrowing, the council by ordinance may declare such vacation or narrowing. Such order of the council vacating

or narrowing a street or alley which has been dedicated to public use by the proprietor, shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the council; but the right of way and easement therein of any lot owner shall not be impaired thereby.

Compensation of Officers and Employes—Fees.

SECTION 53. The council shall fix, by ordinance, the salary or compensation of all officers and employes of the city. The salaries and compensation so fixed shall be uniform for like service in each grade of the service as the same shall be graded and classified by the civil service commission, and all such salaries and rates of compensation shall be reported to the civil service commission forthwith. The salary of any officer, employe or member of a board or commission shall not be diminished during the term for which he was elected or appointed, except in the case of demotion of an employe. Laborers shall be paid the highest reasonable wage paid at the time in the city for similar services. All fees pertaining to any office shall be paid into the city treasury.

Hours of Labor.

SECTION 54. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the municipality, whether done by contract or otherwise. The council, by ordinance, shall provide for the enforcement of the provisions of this section.

Official Bonds.

SECTION 55. In fixing the salary of any officer, clerk or employe, the council shall determine whether such officer, clerk or employe shall have a bond, and the amount thereof. If a bond is required, the surety shall be subject to the approval of the mayor. Premiums on such bonds may be paid by the city.

The Mayor's Veto.

SECTION 56. Any ordinance or resolution passed by the council shall be signed by the president or presiding officer and forthwith presented by the clerk to the mayor. If the mayor approves such ordinance or resolution he shall sign it within ten days after final action by the council. If he does not

approve it, he shall return it to the council with his objections within said ten days, or, if the council be not then in session, at the next regular meeting thereof, which objections the council shall cause to be entered in full on its journal. If the mayor does not sign or veto an ordinance or resolution within the time specified, it shall take effect in the same manner as if he had signed it. The mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money. When the mayor refuses to sign an ordinance or resolution or part thereof, and returns it to the council with his objections, the council shall, after the expiration of not less than one week, proceed to reconsider it. If upon reconsideration the resolution or ordinance, or part or item thereof, disapproved by the mayor, is approved by a vote of two-thirds of all the members elected to the council, it shall take effect without the signature of the mayor. In all such cases the votes shall be taken by "yeas" and "nays", and entered on the journal.

Filing and Publication of Ordinances.

SECTION 57. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and clerk of the council. Within ten days after its final passage, every ordinance of a general nature shall be published at least once in full in the city journal. Other ordinances and resolutions shall be published in the city journal in full or in condensed form, as the council may direct. There shall be no other publication at the expense of the city.

Investigations by Council.

SECTION 58. The council, or any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any city official, and by similar investigations may secure information upon any matter within its competence as a legislative body. In conducting such investigations the council, or any committee thereof, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the council or the chairman of such committee, as the case may be, and may be served or executed

by an officer authorized by law to serve subpoenas and other process.

Power to Compel Witnesses to Testify.

SECTION 59. If any witness shall refuse to testify to any facts within his knowledge, or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, before the council, or any such committee, the council shall have the power to cause the witness to be punished as for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry.

Audits by Certified Accountants.

SECTION 60. The council may at any time, or at stated times, cause an audit to be made of the books of account, records and transactions of any of the administrative departments of the city. Such audit shall be made by a practicing certified public accountant, who, for three years next preceding his employment, has held either a certificate issued pursuant to statute, or one issued by the authority of a state whose laws require a standard of professional attainment equal to that of Ohio. The duties of the auditor so appointed shall be defined and fully set forth in the ordinance providing for such audit or audits. The reports of such auditor shall be printed and a copy thereof furnished to the Ohio State Bureau of Inspection and Supervision of Public Offices, to the mayor, to each member of the council and to each citizen who may apply therefor; and a condensed summary thereof shall be published in the city journal.

CHAPTER V.

THE EXECUTIVE.

In What Officers Vested.

SECTION 61. The executive and administrative powers of the city shall be vested in the mayor, directors of departments, and other administrative officers provided for in this charter or by ordinance. Except for special engagement by authority of the council, every officer or employe must be an elector.

Certain Officers to Hold Over.

SECTION 62. Unless removed, all officers, except those elected by the people, shall hold their respective offices until their successors are chosen and have qualified.

Appointments to Vacancies.

SECTION 63. Appointments to fill vacancies in offices shall be for the respective unexpired terms only, and shall be made by the original appointing power unless otherwise provided.

Oath of Officers and Employees.

SECTION 64. Before entering upon his duties, every officer or employe shall take an oath to perform faithfully and impartially the duties of his office or position. A copy of the oath of an officer, duly attested, shall be filed with the clerk, or, if of an employe, with the civil service commission.

Interest In Contracts Or Supplies.

SECTION 65. No officer of the city, member of the council, or of any municipal board or commission, shall have a personal interest, direct or indirect, in any contract with the city, or be personally interested, directly or indirectly, in the sale to the city of any supplies, material, service, or land, except on behalf of the city as an officer or employe. Violation of any provision of this section shall disqualify the person guilty thereof from holding any office of trust or profit in the city. He shall also be liable to the city for all moneys or other things of value which he may have received contrary to the provisions of this section.

The Mayor—Qualifications—Term.

SECTION 66. The mayor shall be the chief executive officer of the city. He shall be elected for a term of two years, assume office on the first day of January following his election, and serve until his successor is elected and qualified. The mayor shall be an elector of the city, and shall have been a resident therein for at least three years prior to his election to said office. He shall not hold any other public office or employment, except that of notary public or member of the state militia, and shall not be interested in the profits or emoluments of any contract, job, work, or service for the municipality.

Salary of Mayor.

SECTION 67. The salary of the mayor shall be fixed by the council, and may be changed in the even numbered years, but shall not be changed for the term for which he is chosen.

General Powers and Duties of the Mayor.

SECTION 68. It shall be the duty of the mayor to act as the chief conservator of the peace within the city; to supervise the administration of the city's affairs; to see that all ordinances are enforced; to recommend to the council for adoption such measures as he may deem necessary or expedient; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this charter or by statute.

Removals by the Mayor.

SECTION 69. The mayor for good cause may remove any officer appointed by him. Before a member of either the civil service commission or of the commission of publicity and efficiency may be removed, the mayor must first give such commissioner a statement of the reasons entertained for removal, and afford him time to be heard. The statement should be in writing and a copy thereof given at the same time to the commission of publicity and efficiency. In other cases, and only on the demand of the officer removed, the mayor shall certify to the commission of publicity and efficiency his reasons for removal. A removal by the mayor shall be final.

Seats in Council.

SECTION 70. The mayor and the directors of all departments established by this charter, or that may hereafter be established, shall be entitled to seats in the council. Neither the mayor nor the director of any department shall have a vote in the council, but the mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the council; and the directors of departments shall be entitled to take part in all discussions in the council relating to their respective departments.

Investigation by Mayor.

SECTION 71. The mayor may without notice, cause the

affairs of any department or the conduct of any officer or employe to be examined. Any person or persons appointed by the mayor to examine the affairs of any department or the conduct of any officer, or employe, shall have the same power to compel the attendance of witnesses, and the production of books, and papers and other evidence and to cause witnesses to be punished for contempt, as is conferred by this charter upon the council or a committee thereof.

Succession to Mayor.

SECTION 72. If the mayor die, resign, or remove his residence from the city during the term of his office, he shall be succeeded in office, until the first day in January following the next regular municipal election, by the vice mayor or the head of one of the departments provided for in this charter. The order of succession in such cases shall be as follows: Vice mayor, director of law, director of finance, director of public service, director of public welfare, director of public safety and director of public utilities. At the next regular municipal election following the death, resignation or removal of the mayor from the city, a mayor shall be elected for a term of two years. If the mayor be temporarily absent from the city, or become disabled from any cause, his duties shall be performed during such absence or disability by the vice mayor or the head of one of the aforesaid departments in the above order, under the title of acting mayor.

The Vice Mayor—His Duties.

SECTION 73. A vice mayor shall be elected for a term of two years, commencing on the first day of January next after his election, and shall serve until his successor is elected and qualified. The vice mayor shall have the qualifications required by this charter for the office of mayor. He shall preside at all regular and special meeting of council, but shall have no vote except in case of a tie. The vice mayor shall perform such other duties as may be provided by this charter or by ordinance. While the vice mayor is acting as mayor, he shall not serve as president of the council.

Succession to Vice Mayor.

SECTION 74. In case of the death, resignation, or removal of the vice-mayor, or in case the vice-mayor succeeds to the office of mayor, the president pro tempore of the council shall become vice-mayor, but he shall not at any time succeed to

the office of mayor. The vacancy thus created in the council shall be filled as other vacancies, and the council shall elect another president pro tempore.

CHAPTER VI.

THE INITIATIVE, REFERENDUM AND RECALL.

The Initiative	-	-	-	Sections 75- 78
The Referendum	-	-	-	Sections 79- 86
The Recall	-	-	-	Sections 87- 91
General Provisions	-	-	-	Sections 92-100

Ordinances May Be Initiated.

SECTION 75. Any proposed ordinance may be submitted to the council by petition filed with the clerk and signed by electors of the city equal in number to twenty per cent of the first choice votes cast for mayor at the preceding election.

Duty of Council When Petition Sufficient.

SECTION 76. If the certificate of the clerk shows the petition to be sufficient, he shall submit the proposed ordinance to the council at its next regular meeting. The council shall at once proceed to consider the same and shall take final action thereon within thirty days from the date of the submission thereof. If the council fail to adopt such proposed ordinance it shall be submitted to the vote of the electors in the same manner as for an ordinance upon which a referendum vote is demanded.

Proceedings for Referendum When Council Amends.

SECTION 77. If the council pass the proposed ordinance with amendment substantially changing its tenor or effect, the ordinance in its original form shall be submitted to a vote as in the case of failure to pass in any form, provided that the proponents thereof secure and cause to be filed with the clerk, within fifteen days after final action by the council, an additional petition for the adoption thereof signed by electors of the city equal in number to one per cent of the first choice votes cast for mayor at the last preceding election; provided that no elector having signed the original petition for such ordinance shall be eligible to sign the additional petition. If the ordinance as originally proposed is adopted by the electors, the amended ordinance as passed by the council shall be with-

out effect, and in any case the operation of such amended ordinance shall be suspended until a referendum is possible to be had.

Ordinance to Repeal May be Initiated.

SECTION 78: Proposed ordinances for repealing any existing ordinance in whole or in part may be submitted to the council as provided in the preceding sections for initiating ordinances.

Compulsory Referendum of Certain Measures—Franchises

SECTION 79. No ordinance or resolution for public improvement involving the expenditure of five hundred thousand dollars or more, or for the granting of a general public utility franchise shall be effective until the same shall be approved by a majority vote of the electors. A general public utility is one in which all the people of the city may have an interest.

Duty of Clerk to Request Election Thereon.

SECTION 80. Within five days after the passage of an ordinance or resolution within the provisions of the preceding section, the clerk of the council shall request the election authorities to call a special election to be held not less than thirty nor more than fifty days after the passage of such ordinance or resolution.

Referendum on Petition.

SECTION 81. Every ordinance passed by the council shall be subject to the referendum if at any time within thirty days a petition signed by electors equal in number to fifteen per cent of the first choice votes cast for mayor at the preceding election be filed with the clerk, requesting that such ordinance be submitted to the people for consideration.

Ballots on Referendum.

SECTION 82. The ballots used in voting upon any measure submitted to the electors for approval shall contain the title and text thereof and underneath the two propositions. "For the ordinance (resolution or amendment)," and "Against the ordinance (resolution or amendment)." Immediately at the left of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the proposition.

Special Referendum Elections.

SECTION 83. The ordinance on which a referendum vote is demanded by petition shall be submitted at a special election held not later than thirty days after the clerk has certified to the election authorities that the petition for submission is in accordance with the requirements of this charter; but if a regular election is to be held within six months, such ordinance shall be submitted at the regular election.

Effect of Approving Vote.

SECTION 84. If a majority of the votes cast be in favor of a measure submitted to referendum, the same shall thereupon become adopted, as if it had been passed by the council and approved by the mayor; or, in case of an amendment to this charter, it shall become of full force as a part thereof.

Emergency Measures Subject to Referendum.

SECTION 85. An emergency measure shall be subject to referendum as other ordinances or resolutions. If, upon a referendum, it be not approved, it shall stand repealed, but any expense incurred in accordance with the provisions thereof and before the disapproval by referendum shall be paid under the authority thereof as if the measure were still effective.

Power of the Council to Amend or Repeal.

SECTION 86. After the expiration of three months from the taking effect of any measure initiated or approved by the people on a referendum, other than amendment to this charter, the council may amend or repeal the same, or any provision thereof, provided that on final passage of the amending or repealing measure the concurrence of two-thirds of the members of the council shall be necessary, and at least ten days shall intervene between the second and third meetings thereof.

Recall of Officers by Petition.

SECTION 87. Any elective officer provided for in this charter shall be subject to recall by petition to be filed with the clerk of the council. In case of an officer elected from the city at large, the petition requesting a recall election shall be signed by electors equal in number to twenty-five per cent of the first choice votes cast for mayor at the preceding election. If the recall petition is circulated against an officer elected

from a ward, it shall be signed by electors equal in number to twenty-five per cent of those who voted in said ward at the last regular city election. But no recall petition shall be circulated against said officer until he shall have held his office for at least six months.

Validity of Recall Petitions.

SECTION 88. No signature to a recall petition appended thereto less than six months subsequent to the beginning of the term of the officer affected, shall be valid. Petitions shall be signed and authenticated as required of petitions for submitting ordinances to the council.

Proceeding When Petition Sufficient.

SECTION 89. When a recall petition is found by the clerk to be sufficient, he shall at once notify the officer sought to be recalled. If the officer shall offer his resignation, it shall be accepted and take effect on the day offered, and the vacancy shall be filled as elsewhere provided in this charter. If he shall not resign within five days after the issuance of such notice, the clerk shall request the election authorities to call a special election to determine whether the people will recall such officer. Such election shall be held not less than forty nor more than sixty days after the petition has been presented to the clerk.

Conduct of Election—Candidates—Ballots.

SECTION 90. The officer sought to be recalled shall be deemed a candidate unless he shall have resigned, and his name shall be placed on the election ballots without nomination. Not more than two other candidates for the office may be nominated in the manner provided herein for the nomination of elective officers; provided that a primary election for the nomination of such candidates shall be held not less than ten days before such recall election, that nominating petitions shall be filed not less than twenty days before such primary, and that persons whose names have been submitted for candidacy at said primary shall file acceptance not less than fifteen days before such primary. The election shall be conducted and its result determined as in the case of any other municipal election. On the ballots for such election there shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding the recall of the officer, and in not more than two hundred words, the officer's justification of

his course in office. The person elected shall hold office for the remainder of the term, whether it be the person against whom the recall petition was filed or another. After such election has been held, the validity of the recall petition shall not be questioned.

Limitation on Recall Elections.

SECTION 91. No elective officer shall be subject to recall more than once during the term of office for which he was originally elected.

Requirements of Petition.

SECTION 92. A petition for recall, or to initiate an ordinance, or for a referendum of an ordinance or resolution, or of an amendment to this charter, need not be made on one paper, but may be the aggregate of two or more petition papers. Each signer of a petition paper shall sign his name in ink or indelible pencil, and shall place thereon, after his name, his place of residence by street and number. To each paper there shall be attached an affidavit by the circulator thereof stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.

Uniformity of Petition Papers.

SECTION 93. Petition papers circulated with respect to any proposition shall be uniform in character and form. The clerk shall determine and keep on file forms of blanks to be used in the several instances of petition, and all petition papers shall conform to such forms, respectively.

What the Petition Shall Show.

SECTION 94. If the petition is for recall, each petition paper shall state the name of the officer in question and shall contain a statement, in not over two hundred words, of the reasons urged for recall. If the petition is to initiate an ordinance, or to refer an ordinance or resolution, or for an amendment to this charter, each petition paper shall set forth the proposed measure in full. Every petition, whether for recall or other purpose, shall bear the names of five electors whose names shall appear on each petition paper, and who shall thereon be designated as the proponents of the proposition of the

petition, and who shall be recognized as the committee in charge thereof.

Clerk to Determine Sufficiency of Petition.

SECTION 95. The clerk shall determine the sufficiency of a petition within ten days after the same is filed with him, and endorse his certificate thereon. When supplemental petition papers are filed, as herein provided, the clerk shall determine the sufficiency of the petition as supplemented within ten days and endorse thereon his finding.

Supplementing Insufficient Petitions.

SECTION 96. If the clerk certifies that a petition for recall, or to initiate an ordinance, or to amend this charter, is insufficiently signed, the same may be supplemented by the filing with the clerk, within fifteen days, of an additional petition paper or papers, prepared, signed and authenticated as in the case of the original petition.

Effect of Clerk's Decision.

SECTION 97. The final decision of the clerk that a petition is insufficient, shall not prejudice the filing of a new petition for the same purpose. The finding of the clerk as to the sufficiency of a petition shall be a final order.

Duty of Clerk When Petition Sufficient.

SECTION 98. After the clerk determines that a petition is sufficient, he shall certify the fact to the council, and, if the petition requires an election, also to the election authorities, of whom he shall request that provision for an election be made.

Notice of Election.

SECTION 99. In case of a recall or a referendum election, not less than twenty days before the date thereof, and on the tenth day before said date, the clerk shall cause to be published, in two English daily newspapers of general circulation in the city, a notice of such election. If it is a recall election, the notice shall state the name of the officer in question, shall set forth the reasons stated in the recall petition, and shall give, in not more than two hundred words, the officer's defense. If a referendum election, the notice shall set forth a true copy of the measure as given in the petition therefor.

Publication of Initiated Ordinances.

SECTION 100. Initiated ordinances, if passed by the council, shall be published as in case of measures originating in the council. Ordinances or resolutions, or amendments to this charter, adopted upon a referendum, need not be subsequently published, but a statement that they are effective as a result of the referendum, giving the full title of each approved, shall be made in the city journal.

CHAPTER VII.

ADMINISTRATIVE DEPARTMENTS AND DIVISIONS.

Administrative Departments and Divisions.

SECTION 101. The following administrative departments and divisions thereof are hereby established by this charter:

1. Department of Law.
2. Department of Finance.
 - (a) Division of Accounts.
 - (b) Division of Treasury.
 - (c) Division of Purchases and Supplies.
 - (d) Division of Assessments and Licenses.
3. Department of Public Service.
 - (a) Division of Engineering and Construction.
 - (b) Division of Streets.
 - (c) Division of Harbor and Bridges.
 - (d) Division of Markets and Public Buildings.
4. Department of Public Safety.
 - (a) Division of Police.
 - (b) Division of Fire.
 - (c) Division of Inspection.
 - (d) Division of Weights and Measures.
5. Department of Public Welfare.
 - (a) Division of Health.
 - (b) Division of Cemeteries.
 - (c) Division of Playgrounds, Recreation and Amusements.
 - (d) Division of Charities and Corrections.
 - (e) Division of Labor.
 - (f) Division of Parks and Boulevards.

6. Department of Public Utilities.

- (a) Division of Water.
- (b) Division of Light and Heat.
- (c) Division of Transportation.
- (d) Division of Communication.

Change in Divisions.

SECTION 102. The council may discontinue any division established by the preceding section, may create new divisions, and may determine, combine and distribute the functions and duties of divisions.

How Council May Act Therein.

SECTION 103. An ordinance within the provisions of the preceding section shall require for final passage the concurrence of two-thirds of the members of the council. The final reading shall be at a regular session of the council, and at least ten days shall elapse between the second and third readings.

Directors of Departments— Powers and Duties.

SECTION 104. A director of each department shall be appointed by the mayor to serve during the pleasure of the mayor. Each director shall have the supervision and control of his department. He shall have power to prescribe rules and regulations, not inconsistent with this charter, for the conduct of the officers and employes of his department; for the distribution and performance of its business; and for the custody and preservation of the books, records, papers and property under its control.

Subject to the approval of the mayor, the directors jointly shall establish and maintain regulations for the co-ordination of the work of, and co-operation in the service of, the several departments and divisions, to the end that efficiency and economy may be secured.

Divisions and Commissioners Thereof.

SECTION 105. The work of the several departments shall be distributed among such divisions thereof as are established by charter or by ordinance. There shall be a commissioner or chief in charge of each division who shall be appointed, and may be removed, by the director of the department. With the approval of the director of his department, each commis-

sioner shall appoint officers and employes in his division and shall have supervision and control of its affairs.

Advisory Boards.

SECTION 106. With the approval of the mayor, the director of a department may appoint a board composed of not fewer than three citizens qualified to act in an advisory capacity to the commissioner of any division under his supervision. The members of any such board shall serve without compensation and their duty shall be to consult and advise with the commissioner, but not to direct his conduct of the division. Any recommendations of such board shall be in writing and shall become a part of the records of the department, and a copy thereof shall be filed with the commission of publicity and efficiency. Public meetings of such board shall be called by the commissioner for the consideration of the affairs of the division. The commissioner of the division shall be chairman of such meetings.

Reports by Directors of Departments.

SECTION 107. Annually on such date as may be fixed by the council, the director of each department shall render to the mayor a full report of the transactions of his department for the year, and at any time shall furnish to the council or mayor such information relating to any department as either may require.

When a Deputy Director May Act.

SECTION 108. During the absence or disability of the head of any department, the deputy director of such department shall perform the duties of the head of the department.

The Director of Law.

SECTION 109. The director of law or city attorney shall be an attorney at law admitted to practice in the state of Ohio. He shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments in matters relating to their official duties. He shall prosecute or defend suits for and in behalf of the city, and shall prepare contracts, bonds and other instruments in writing in which the city is concerned, and shall endorse on each his approval of the form and correctness thereof. He may appoint such number of assistants as the council authorizes.

Shall be Police Prosecutor.

SECTION 110. The city attorney shall be the prosecuting attorney of the police court. He may designate such number of assistant prosecutors as the council by ordinance may authorize. He shall prosecute cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

Shall Prosecute and Defend in Behalf of City

SECTION 111. When required so to do by resolution of the council, the city attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies as, by resolution or ordinance, he shall be directed to prosecute or defend.

Shall Advise Officers.

SECTION 112. The council, the director of any department, or any officer, may require the opinion of the city attorney upon any question of law involving their respective powers or duties.

Application for Injunction.

SECTION 113. The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

Application for Forfeiture or for Specific Performance.

SECTION 114. When an obligation or contract made on behalf of the city granting an easement, or creating a public duty, is being evaded or violated, the city attorney shall likewise apply for the forfeiture or the specific performance thereof, as the nature of the case requires.

Application for Mandamus.

SECTION 115. In case any officer fails to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

Action by Taxpayer.

SECTION 116. In case the city attorney, upon written request of any taxpayer, fails to make any application provided for in the three preceding sections, such taxpayer may institute suit or proceedings for such purpose in his own name on behalf of the city. No such suit or proceedings shall be entertained by any court until such request to the city attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding.

Action to Enjoin Contract.

SECTION 117. No action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the city, shall be brought or maintained unless commenced within one year from the date of such contract, bonds or notes.

Power of the Court on Hearing.

SECTION 118. If the court hearing any such action is satisfied that the taxpayer had good cause to believe his allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and the justice of the case demand. In such case the taxpayer shall be allowed his costs, and if judgment be finally entered in his favor, he may be allowed as part of the costs a reasonable compensation for his attorney.

Director of Law to be City Solicitor.

SECTION 119. In addition to the duties imposed upon the director of law by this charter, or required of him by ordinance, he shall perform the duties which are imposed upon city solicitors by statute.

Duties of Director of Finance.

SECTION 120. The duties of the director of finance shall include the keeping and supervision of all accounts and the custody of all public money of the city; the purchase, storage and distribution of supplies needed by the various departments; the making and collecting of special assessments; the issuance of licenses; the collection of license fees; and such other duties as the council may by ordinance, require. The commissioner of the division of accounts shall be the deputy director of finance.

Proposed Bond Issue—Duty of Director.

SECTION 121. When an issue of municipal bonds is proposed, before the same may be authorized, the director of finance shall prepare and furnish to the mayor, to the council and to the commission of publicity and efficiency, a statement showing the condition of the city's bonded indebtedness, if any, of the class of the proposed issue, and payable out of the same resources, including amounts and times of maturity of such outstanding bonds, and the state of the present resources out of which they are payable. If the proposed bond issue is for local improvements, the statement shall show the amount of bonded indebtedness for local improvements then outstanding, any portion of which is to be paid as the city's share thereof.

Report on Bonded Indebtedness.

SECTION 122. On or before the first day of January of each year, the director of finance shall report in detail to the mayor, to the council and to the commissioner of publicity and efficiency, the state, character, amount and distribution of the bonded indebtedness of the city, including that for local improvement.

Waiver By Bidder on Bond Issues.

SECTION 123. When an issue of bonds has been authorized, the director of finance shall prepare for the use of bidders thereon an outline of the steps taken to authorize the same, together with a form of bond. No bid for such issue shall be accepted unless accompanied by a statement from the bidder that he has examined the form of the bond and the steps taken to authorize the issue thereof, and that he will accept the issue without conditions if awarded to him.

Accounting Systems to be Maintained.

SECTION 124. Accounting systems shall be devised and maintained which shall exhibit the condition of the city's assets and liabilities, the value of its several properties, and the state of its several funds. Such systems shall be adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values, including cash receipts and disbursements. The recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show

the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government; and there shall be included distinct summaries and schedules for each public utility owned and operated by the city. In all respects as far as the nature of the city's business permits, the accounting systems maintained shall conform to those employed by progressive business concerns and approved by the best usage.

Division of Accounts.

SECTION 125. The commissioner of accounts shall be the chief accounting officer of the city. Under the supervision of the director of finance, he shall install and maintain accounting procedures in conformity with the preceding section, and shall prescribe the methods of keeping accounts by all departments and the form of reports to be rendered to the director of finance. He shall appoint all bookkeepers and other employes charged with keeping financial accounts in all departments; and whenever practicable, such books and accounts shall be kept in his office. He shall require that daily reports be made to him by each department, showing the receipt of all moneys by such department and the disposition thereof. He shall keep an account of all appropriations made by the council, and all expenditures made or contracted to be made under such appropriations.

Examination of Accounts of Officers.

SECTION 126. Upon the death, resignation, removal or expiration of the term of any officer, the commissioner of accounts shall examine the accounts of such officer and if such officer be found indebted to the city, the commissioner shall immediately give notice thereof to the mayor and the director of law, and the latter shall proceed forthwith to collect such indebtedness.

When Warrants to Issue.

SECTION 127. No warrant for the payment of any claim shall be issued by the commissioner of accounts until such claim shall have been approved by the director of the department for which the indebtedness was incurred. Each director of a department and his surety shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in his department. Whenever any claim shall be presented to the commis-

sioner of accounts, he shall have power to require evidence that the amount claimed is justly due and that such claim is in conformity with law and ordinance. For that purpose the director of finance may summon before him any officer, agent or employe of any department, or any other person and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the commissioner of accounts shall draw a warrant for any claim contrary to law or ordinance, he and his sureties shall be individually liable for the amount thereof.

Appropriations Necessary to Expenditure.

SECTION 128. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the council; and whenever an appropriation is so made the clerk shall forthwith give notice to the director of finance.

Division of Treasury.

SECTION 129. The division of treasury shall be in charge of the city treasurer, who shall be the custodian of all public money of the city and all other public money coming into his hands as city treasurer. The city treasurer shall keep and preserve such moneys in the place or places determined by ordinance or by the provisions of any statute applicable thereto.

Duties of City Treasurer.

SECTION 130. Except as otherwise provided in this charter, the city treasurer shall, under the supervision of the director of finance, collect, receive and disburse all public money of the city upon warrant issued by the commissioner of accounts. He shall also receive and disburse all public money coming into his hands as city treasurer, in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

Division of Purchases and Supplies.

SECTION 131. The commissioner of purchases and supplies shall make all purchases for the city in the manner provided by ordinance; and under such regulations as may be provided by ordinance, shall sell any municipal property unsuitable for public use. He shall have charge of such store rooms and warehouses of the city as the council may by ordinance provide.

Handling Supplies.

SECTION 132. Before making any purchase or sale, the commissioner of purchases and supplies shall give opportunity for competition, under such rules and regulations as the council shall establish. Supplies required by any department may be furnished upon requisition from the stores under the control of the commissioner of purchases and supplies, and whenever so furnished shall be paid for by the department furnished therewith by warrant made payable to the credit of the stores account of the department of purchases and supplies. The commissioner of purchases and supplies shall not furnish any supplies to any department unless there be to the credit of such department an available appropriation balance in excess of all unpaid obligations sufficient to pay for such supplies.

Division of Assessments and Licenses.

SECTION 133. The commissioner of assessments and licenses shall have charge of the preparation and certification of all special assessments for public improvements; the mailing of notices of such assessments to property owners and all other duties connected therewith; the collection of such assessments as are payable directly to the city, and the preparation and certification of all unpaid assessments to the county auditor for collection. He shall issue all licenses and collect all fees therefor, and shall pay the same to the city treasurer in the manner provided by ordinance.

Department of Public Service.

SECTION 134. Except as otherwise provided in this charter, the director of public service shall have in charge the public improvements and public service of the city, including the divisions of engineering and construction, of streets, of harbor and bridges, of markets and public buildings. The commissioner of engineering and construction shall be the chief engineer of the city and shall be the deputy director of public service.

Division of Engineering and Construction.

SECTION 135. The commissioner of engineering and construction shall have charge of the preparation and preservation of surveys, maps, plans, specifications, drawings and estimates, including the construction and improvement of

streets, alleys, lanes, bridges, viaducts, aqueducts, wharves, docks, landings, sidewalks and other public highways; of sewers, drains, ditches, canals, streams, water courses, harbors and culverts; and of public buildings, squares, places and grounds and all other public works, except as otherwise provided in this charter, or as otherwise specially directed by the council.

Division of Streets.

SECTION 136. The commissioner of streets shall have charge of the maintenance, repair, cleaning and sprinkling of the streets, alleys, sidewalks, and other highways, except bridges; of the opening of streets, alleys and other highways; of the inspection of openings and cuts into pavements and repairing of the same, whether made by the city or by others; of the maintenance, repair and cleaning of sewers, drains, ditches and culverts; of the collection and disposal of garbage and waste, and supervision of sewage disposal plants.

Division of Harbor and Bridges.

SECTION 137. The commissioner of harbor and bridges shall have charge of the maintenance, repair and cleaning of all bridges, viaducts, water courses, streams, canals, harbor, wharves, docks and landings.

Division of Markets and Public Buildings.

SECTION 138. The commissioner of markets and public buildings shall have charge of public markets and other public buildings, and supervision over private markets.

Department of Public Safety.

SECTION 139. The director of public safety shall be the executive head of the divisions of police and fire. He shall also be the chief administrative authority in all matters affecting the inspection and regulation of the erection, maintenance, repair and occupancy of buildings; and he shall have charge of the division of weights and measures. The commissioner of inspection shall be the deputy director of public safety.

Division of Police.

SECTION 140. The chief of the division of police, to be called the chief of police, shall have exclusive control of the stationing and transfer of all patrolmen, and other officers and employes constituting the police force, under such rules and

regulations as the director of public safety may prescribe. The director of public safety shall have the exclusive management and control of such other officers and employes as shall be employed in the administration of the affairs of the division. The police force shall be composed of a chief of the division of police, and such officers, patrolmen and other employes as may be provided for by ordinance or resolution of the council. In case of riot or like emergency, the mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service.

Special Policemen or Officers.

SECTION 141. No person shall act as special policeman, special detective, or other special officer for any purpose whatsoever, except upon written authority from the director of public safety.

Division of Fire.

SECTION 142. The chief of the division of fire shall have exclusive control of the stationing and transfer of all firemen and other officers and employes constituting the fire force, under such rules and regulations as the director of public safety may prescribe. The director of public safety shall have the exclusive management and control of such other officers and employes as may be employed in the administration of the affairs of the division. The fire force shall be composed of a chief of the division and such other officers, firemen and employes as may be provided for by ordinance or resolution of the council. In case of riot, conflagration, or like emergency, the mayor may appoint additional firemen and officers for temporary service who need not be in the classified service.

Suspensions in Police and Fire Divisions.

SECTION 143. The chiefs of the divisions of police and fire shall have the exclusive right to suspend any of the officers or employes in their respective divisions, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer or employe be suspended, as herein provided, the chief of division concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the director of public safety. Within five days from the receipt thereof, the director of public safety shall proceed to inquire into the cause of such sus-

pension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal. Such judgment in the matter shall be final, except as otherwise hereinafter provided. In any such investigation, the director of public safety shall have the same power to administer oaths and secure the attendance of witnesses, and the production of books and papers, as is herein conferred upon the council.

Appeal to Civil Service Commission.

SECTION 144. Any person in the division of police or fire under the exclusive control of the chief thereof, who is suspended, reduced in rank, or dismissed from the department by the director of public safety, may appeal from the decision of such officer to the civil service commission within ten days from and after the date of such suspension, reduction or dismissal. In such event said director shall, upon notice from the commission of such appeal, forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal within ten days from and after the filing of the same with the commission, and may affirm, disaffirm or modify the judgment of the director of public safety, and its judgment in the matter shall be final.

Suspension of Chief of Police or Fire Division.

SECTION 145. The mayor shall have the exclusive right to suspend the chief of the division of police or fire, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just or reasonable cause. If either of such chiefs be so suspended, the mayor shall forthwith certify the fact, together with the cause of such suspension, to the civil service commission. Within five days from the receipt of such notice, the commission shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

Classification—Police and Fire.

SECTION 146. The director of public safety shall classify the service in the division of police and fire, in conformity with the ordinance of the council declaring the number of persons to be employed therein, and shall make rules for the regulation and discipline of such divisions except as hereinbefore provided.

Relief of Policemen and Firemen.

SECTION 147. The council may provide by general ordinance for the relief, out of the police or fire funds, of members of the divisions of police and fire temporarily or permanently disabled in the discharge of their duty. Nothing herein shall impair, restrict, or repeal any provision of general law authorizing the levying of taxes to provide for firemen, police, and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

Division of Inspection.

SECTION 148. The commissioner of inspection shall be the chief inspector of buildings, and shall have charge of all branches of inspection relating to the construction, repair and occupancy of buildings.

Division of Weights and Measures.

SECTION 149. The commissioner of weights and measures shall be known as the city sealer of weights and measures. It shall be his duty to inspect all weights and measures used in the city for the purpose of buying and selling, and require them to be of the standard required by statute.

Department of Public Welfare.

SECTION 150. The director of public welfare shall manage and control all charitable, correctional and reformatory institutions and agencies belonging to the city, and the use of all recreational facilities of the city, including parks, playgrounds, boulevards and public amusements. He shall have charge of the inspection and supervision of all public amusements and entertainments. He shall enforce all laws, ordinances, and regulations relative to the preservation and promotion of the public health, the prevention and restriction of disease, the prevention, abatement and suspension of nuisances, and the sanitary inspection and supervision of the production, transportation, storage and sale of foods and food stuffs. He shall cause a complete and accurate system of vital statistics to be kept. In time of epidemic he may enforce such quarantine and isolation regulations as are appropriate to the emergency. He shall have the supervision of the free employment office, and of municipal cemeteries and crematories. The commissioner of health shall be the deputy director of public welfare.

Division of Health.

SECTION 151. The commissioner of health or city health officer shall be a person eligible for admission to practice or in practice as a physician and surgeon under the laws of Ohio. Under the direction and control of the director of public welfare, he shall enforce all ordinances and laws relating to health, and shall perform all duties and have all the powers provided by statute, relative to the public health, to be exercised in municipalities by health officers; provided that regulations affecting the public health, additional to those established by statute and for the violation of which penalties are imposed, may be prescribed by the council by ordinance and enforced as provided therein.

Division of Cemeteries.

SECTION 152. The commissioner of cemeteries shall have charge of municipal cemeteries and crematories, and supervision of cemeteries and crematories privately controlled or owned.

Division of Playgrounds, Recreation and Amusements.

SECTION 153. The commissioner of playgrounds, recreation and amusements shall have charge of all playgrounds and other facilities provided by the city for recreation, amusement and entertainment, and shall enforce all laws, ordinances and regulations relating to the management thereof. He shall also exercise such supervision and control as may be provided by ordinance over public recreative functions, amusements and entertainments not provided by the city.

Division of Charities and Corrections.

SECTION 154. The commissioner of charities and corrections shall have charge and supervision of all charitable and correctional institutions, and of the distribution of all charitable relief furnished by the city. He shall appoint such number of physicians as he deems necessary to care for the city poor and for correctional institutions, municipal hospitals, and free dispensaries; shall provide for the study of and research into causes of poverty, delinquency, crime, disease, and other similar problems in the community; and by means of lectures, exhibits and in other proper ways, shall promote the education and understanding of the community in those matters which concern the public health and welfare.

Division of Labor.

SECTION 155. The commissioner of the division of labor shall have charge of the free employment office established to assist persons in securing employment. He shall extend such information and assistance to immigrants and strangers, and perform such duties in the collection of labor statistics and information relative to labor conditions in the city, as may be required by ordinance.

Division of Parks and Boulevards.

SECTION 156. The commissioner of parks and boulevards shall have control and management of parks and boulevards, with power to enforce all ordinances, rules and regulations relating to the same. He shall have charge of all improvements made therein or connected therewith, except paving, sidewalks and sewers, which shall be under the control of the department of public service.

Department of Public Utilities.

SECTION 157. The director of public utilities shall manage and supervise all non-tax-supported public utility undertakings of the city, including all municipal water, lighting, heating, power, transmission, and transportation enterprises, and shall have charge of and enforce all obligations of privately owned and operated public utilities enforceable by the city. The commissioner of the division of water shall be the deputy director of public utilities.

Division of Water.

SECTION 158. The commissioner of water shall have charge of and operate the water works system of the city, and shall enforce the rules and regulations thereto pertaining. Until a department of public utilities is established, the division of water shall be a division of the department of public service, under the supervision of the director thereof.

Division of Light and Heat.

SECTION 159. The commissioner of light and heat shall have charge of and pursuant to ordinances and the statutes, shall operate all municipal lighting, heating and gas plants, and shall exercise the supervision prescribed by ordinance or statute over privately owned plants for the distribution of electric current, gas and heat.

Division of Transportation.

SECTION 160. The commissioner of transportation shall have charge of, and, pursuant to ordinances and statutes, shall operate all municipal systems of transportation, and shall exercise the supervision prescribed by ordinance or statute over privately owned systems of transportation, whether of passengers, freight or baggage, operating for the special accommodation of the people of the city.

Division of Communication.

SECTION 161. The commissioner of communication shall have charge of, and, pursuant to ordinances and the statutes, shall operate all municipal utilities for communication between the people of the city, and shall exercise the supervision prescribed by ordinance or statute over private systems of communication operating within the city.

Basis for Rates of Service.

SECTION 162. For the service to private individuals, firms, societies, corporations and other private organizations by any public utility owned or operated by the city, a rate of compensation shall be charged that will fully reimburse the city for the expense of operation and, in addition, provide for maintenance, renewal and depreciation, and for a sinking fund to extinguish indebtedness incurred in the construction or purchase thereof. No part of the cost of operation or of the maintenance, renewal or depreciation, enlargement or improvement, or of the purchase or cost of construction, shall be paid out of taxes levied upon the property of the city; but the council may, by ordinance, establish a reasonable rate to be paid by the city out of the proceeds of taxation for any service rendered the public through the city by any such public utility. The rate to be paid by the city for such service shall be comparable to that charged to private consumers for like service.

Council's Power over Rates.

SECTION 163. Rates for the service or products of all non-tax-supported public utilities owned and operated by the city, or furnished to the city by privately owned and operated public utilities, shall be fixed in the manner provided by ordinance of the council.

Accounting System for Public Utilities.

SECTION 164. It shall be the duty of the council to pass

an ordinance employing an expert accountant or accountants, having the qualifications provided by section 60 hereof, to devise and establish a system of bookkeeping whereby may be clearly exhibited the cost of operation, maintenance, renewal and depreciation, and the cost of construction, purchase, enlargement, or improvement of any public utility owned or operated by the city, together with the interest charges for carrying any indebtedness incurred in that behalf, and such other bookkeeping data as may be necessary to the ascertainment of the proper rate of charge for service to comply with the provisions of the foregoing section.

Separate Accounts to be Kept.

SECTION 165. The accounts of all public utilities owned and operated by the city and dependent for their revenue upon sale of their own products or services, shall be kept separate and distinct from all other accounts of the city, and shall contain proportionate charges for all services performed for such utilities by other departments, as well as proportionate credits for all services rendered. Separate records and accounts shall be kept of all services or products furnished to the city by, and transactions had with, privately owned or operated utilities.

Establishment of Department.

SECTION 166. Until the city shall acquire, by purchase or otherwise, public utilities for transportation, or for transmission to private consumers of gas, electric current or heat, or for communication, the department of public utilities herein provided for shall not be established, and a director therefor shall not be appointed. Until such time the duties of supervision of privately operated public utilities shall be placed as the council by ordinance may direct.

CHAPTER VIII.

THE CIVIL SERVICE COMMISSION.

The Commissioners—Term—Appointment.

SECTION 166. The civil service commission shall be composed of three electors to be appointed by the mayor with the approval of the council. The members of the existing commission shall continue in office for the terms for which they were severally appointed. The term of each commissioner

thereafter appointed shall be for six years; but appointments for full terms or to fill vacancies shall be so made that on the 31st day of March in each even numbered year, the term of one commissioner, and one only, shall end.

Officers and Salaries.

SECTION 167. The commission shall annually designate one of its members as president, and shall appoint a secretary and such other employes as may be necessary. The salary of the secretary and other employes, and the salary of the commissioners, if any, shall be fixed by the council; and a sufficient sum shall be appropriated each year to carry out the civil service provisions of this charter.

Records, Investigations and Reports.

SECTION 168. The commission shall keep minutes of its proceedings and records of its examinations, make investigations concerning the enforcement of the civil service provisions of this charter, and report annually to the mayor.

Character of Examinations.

SECTION 169. Examinations shall be practical and impartial, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position for which appointment is sought.

Classification of Service.

SECTION 170. The civil service of the city is hereby divided into the unclassified (not subject to the examination herein provided) and the classified service.

(1) The unclassified service shall include:

- (a) Officers elected by the people.
- (b) Directors of departments, and heads of divisions.
- (c) Members of boards or commissions appointed by the mayor, and of advisory boards appointed by the director of a department.
- (d) The secretary to the mayor, and one secretary for each elective officer, one for each department, and one for each board or commission appointed by the mayor.
- (e) The legal assistants to the director of law.
- (f) The clerk of the council.
- (g) Ordinary unskilled labor.

(2) The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service two classes, to be known as the competitive class and the non-competitive class.

(a) The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

(b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, professional, educational or managerial character, as may be determined by the rules of the commission.

Rules.

SECTION 171. The commission shall adopt, amend, and enforce a code of rules which shall have the force and effect of ordinances, providing as to all positions in the classified service for appointment and employment based on merit, efficiency, moral character and industry.

The rules shall provide:

(a) For the classification and standardization of all positions in the classified service.

(b) For open competitive examinations in the competitive class, to test the relative fitness of applicants for such positions. Employees of any public utility taken over by the city, who are in the service of said utility at the time of such acquisition, shall come under the provisions of the merit system without examination; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

(c) For public notice in the city journal or otherwise of the time and place of all competitive examinations.

(d) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in such examinations or tests.

(e) For the rejection of applicants or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition, and moral character, or who have attempted deception or fraud in connection with any examination.

(f) For the certification to the appointing authority from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such

list, or of the person or persons on such list when it contains three names or less.

(g) For temporary employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

(h) For temporary employment in emergency cases, for periods not to exceed thirty days.

(i) For non-competitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, professional, educational, or managerial character.

(j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of the candidates in the same manner as in case of original appointments. Any advancement in the rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable, vacancies shall be filled by promotion.

(k) For transfer from one position to a similar position in the same class and grade, and for reinstatement on the eligible list or to grade within one year, of persons who, without fault or delinquency on their part, are separated from the service or reduced in grade.

(l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.

(m) For discharge or reduction in grade or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his own defense. The reason for such discharge or reduction, and reply in writing thereto by such employe, shall be filed with the commission.

(n) For investigation and keeping a record of the efficiency of officers and employes in the classified service, and for requiring markings and reports relative thereto from appointing officers.

(o) For the publication of the rules and amendments thereto in the city journal.

The commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be

necessary and proper for the enforcement of the merit system.

Appointments.

SECTION 172. When a position in the competitive classified service is to be filled, the director of the department interested shall notify the civil service commission of that fact. The commission shall thereupon certify to the director the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs. The director shall appoint to such position one of the three persons thus certified. When the eligible list contains fewer than three names, the director may appoint from such names as shall be certified. If there is no eligible list for such position, or when the eligible list has been exhausted, and until a new list can be created, names may be certified from eligible lists most nearly appropriate to the position to be filled. A person certified from an eligible list more than three times to the same or similar position may be omitted from future certifications to the director of any department; but certification for a temporary appointment shall not be counted as one of such certifications.

Present Civil Service Employees.

SECTION 173. Except as otherwise provided in this charter, all persons holding positions in the classified service of the city at the time this charter takes effect shall be deemed to be in the classified service and shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the civil service provisions of this charter. The commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of each appointment, and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of the list.

Certification of Payrolls.

SECTION 174. It shall be unlawful for the treasurer to pay any salary or compensation for service to any person holding a position in the classified service, unless the payroll or account for such salary or compensation shall bear the certificate of the commission that the persons named therein have been appointed or employed in accordance with the civil service provisions of this charter.

Conduct of Investigation.

SECTION 175. In any investigation conducted by the commission, it shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation, and to administer oaths to witnesses.

Non-Partisan Appointments.

SECTION 176. No person in the classified service, or seeking admission thereto, shall be appointed, reduced, suspended, discharged, or in any way favored or discriminated against because of his political opinions or affiliations.

Political Activities.

SECTION 177. No person in the classified service shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person shall orally, or by letter, solicit, or be in any manner concerned in soliciting, any assessment, subscription, or contribution for any political party from any person holding a position in the classified service.

Abuse of Political Influence.

SECTION 178. No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to, any public office, shall use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person for securing for himself or for another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service.

Violations and Penalties.

SECTION 179. The council shall by ordinance provide appropriate punishment for any person or officer who, by himself or in cooperation with one or more persons, wilfully or corruptly deceives or obstructs any person in respect to his right to be examined for admission to the service of the city; or falsely or corruptly marks, grades or reports upon the examination or proper standing of any person examined for appointment in the civil service, or aids in so doing, or wilfully or corruptly makes any false representations as to the results of any such examination, or concerning the person so exam-

ined; or wilfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, or to be appointed, employed, or promoted; or wilfully impersonates any other person or permits or aids, in any manner, any other person to impersonate him in connection with any examination or registration, application or appointment, or request to be examined or registered; or makes known, or assists in making known, to any applicant for examination, in advance of such examination, any question to be asked on such examination; or wilfully violates any of the civil service provisions of this charter.

CHAPTER IX.

THE COMMISSION OF PUBLICITY AND EFFICIENCY.

The Commission of Publicity and Efficiency.

SECTION 180. The mayor first elected under this charter shall appoint five electors to constitute a commission of publicity and efficiency for the following terms: One to serve until March 31, 1917, and one to serve for each of the periods ending respectively on the 31st day of March of each of the four succeeding years. Thereafter, the term for each commissioner shall be five years. Appointments for full terms and to fill vacancies shall be so made that the term of one commissioner, and one only, shall expire on the 31st day of March of each year. The commissioners shall annually designate one of their number as president.

The Secretary and Assistants.

SECTION 181. The commissioners shall serve without compensation, but may employ a secretary to serve during the pleasure of the commission at a compensation to be fixed by it and approved by the council. The commission shall also have such other assistants, drawn from the classified service, as may be necessary and authorized by the council.

Duties of the Commission.

SECTION 182. The duties of the commission shall be, to publish weekly The Toledo City Journal;

To investigate any and all departments and offices for the purpose of ascertaining the degree of efficiency with which public service is rendered;

On or before the first days of January and July of each year, and at other times as it may deem necessary, to make a report, in triplicate, to the mayor, to the council, and to the civil service commission, of its conclusions and recommendations following its investigation;

To recommend to the council and to all officers, methods, devices and systems, by installation of which, in the judgment of the commission, the business of, and service to, the city may be transacted and given with greater economy and efficiency;

To publish in the city journal, or in the daily papers of the city, at its discretion, or to furnish to any person, any report or recommendation by it made, or any information it may have concerning municipal affairs;

To acquire and record any information it may obtain touching the improvement of civic conditions and the development of improved and economical municipal administration elsewhere, and to embody in any of its reports and recommendations such summary of the information obtained as may seem to the commission to be useful to the people of Toledo, and to publish such summaries in the city journal;

To furnish to, or acquire for, any officer at his request, information concerning any matter of interest within the scope of his official duties, and advise with such officer concerning the same.

The Toledo City Journal.

SECTION 183. The city journal shall be edited under the supervision of the commission, by the secretary thereof. It shall contain the city's legal advertising; the notices of the civil service commission; an account of the transactions and proceedings of the council, and, at the discretion of the commission, of council committees, and of other municipal offices and departments; such other matters as the council may determine by ordinance or request by resolution; and such comment upon municipal affairs as may be authorized by the commission. No unofficial advertisements shall be printed therein.

Duties of Officers.

SECTION 184. It shall be the duty of every officer and of every department or division, through the chiefs thereof, to

place at the inspection and for the use of the commission all records, reports, documents, and statistics concerning said office, department or division, and to answer any interrogatories of the commission concerning the working of said office, department or division, or the service rendered by any employe within the same. It shall be the duty of the clerk and of the chairman or acting chairman of any council committee, to furnish the commission, upon the request of the secretary or of any commissioner, full information concerning the transactions or proceedings of the council or of any committee thereof.

Duty of Council.

SECTION 185. The council shall provide by ordinance for the printing and distribution of the city journal, and for the efficient working of the commission, to the end that the usefulness of the commission may be promoted. No subscription price per copy shall be charged for the city journal which shall exceed the approximate cost to produce the same.

CHAPTER X.

COMMISSIONERS OF THE SINKING FUND AND OF THE CITY PLAN.

Commissioners of the Sinking Fund.

SECTION 186. The mayor shall appoint four electors to be the commissioners of the sinking fund. The commissioners of the sinking fund in office upon the adoption of this charter shall continue therein as commissioners until the expiration of their respective terms and until their respective successors are appointed and qualified. The term of each commissioner shall be four years, and appointments shall be so made and vacancies so filled that on the 31st day of March in each year, the term of one commissioner, and one only, shall expire, beginning with March 31, 1917.

Organization and Duties.

SECTION 187. The commissioners shall serve without compensation, and shall give such bond as the council may require. At their first meeting, after the first day of April in each year, they shall organize by electing one of their members as president and one as vice president, and shall elect a

secretary. Other employes of the sinking fund shall be such as the council may provide within the classified civil service. The commissioners of the sinking fund shall perform such duties as now are, or hereafter may be, provided by statute or by ordinance.

The City Plan Commission.

SECTION 188. The mayor first elected under this charter shall appoint five electors to constitute a city plan commission, for the following terms: One to serve until March 31, 1917, and one to serve for each of the periods ending respectively on the 31st day of March of each of the four succeeding years. The full term for a commissioner shall be five years and until his successor is appointed and qualified. Appointments for full terms and to fill vacancies shall be so made that the term of one member, and one only, shall expire on the 31st day of March of each year. The commissioners shall annually designate one of their number as president, and some employe of the department of the public service, selected by the director thereof, shall serve as secretary.

Authority and Duties.

SECTION 189. The city plan commission shall have power to control the design and location of works of art which are, or may become, the property of the city; the plan, design and location of public buildings, harbors, bridges, viaducts, street fixtures and other structures and appurtenances having to do with the beauty and convenience of the city; the removal, relocation, extension and platting of streets, parks and other public places, and of new areas; and the preparation of plans for the future physical development of the city.

Duty of Council.

SECTION 190. The council by ordinance shall provide in detail for the exercise of the duties of the commission within the provisions of the preceding section.

Expenses.

SECTION 191. The members of the commission shall serve without compensation, but the council by general ordinance or special resolution shall provide for the expenses incurred by the commission.

CHAPTER XI.

ASSESSMENTS AND IMPROVEMENTS.

Power of Council to Make Special Assessments.

SECTION 192. The council shall have power to provide for the construction, repair and maintenance by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous, or other specially benefited property, or upon the property within the boundaries of a district in which the improvement is located. The amount assessed against the property specially benefited by such local improvements shall not exceed the amount of benefits to such property.

Provided, that whenever all of the property owners to be assessed for any improvement shall present a petition to the council requesting the city to make any improvement directly by the employment of labor, the cost of which is to be assessed on such abutting property owners, the council by resolution shall instruct the director of public service to proceed with the work of making such improvement, to employ the necessary labor, and purchase the necessary materials. Such petition shall be in the form prescribed by the director of public service; but no notice shall be required, and publication of the same shall be dispensed with. When such improvement is completed, the cost of the same shall be assessed against the property benefited thereby.

Provided, further, that when bids are received for any contract work for any improvement, the cost of which is to be assessed upon the lands benefited thereby, the director of public service shall fix a time not less than five days after the receipt of the bids for a public hearing. A notice of the same shall be mailed to the owners of the lands to be assessed, provided their addresses are known or can be ascertained.

Methods of Special Assessments.

SECTION 193. Special assessments upon the property deemed benefited by a public improvement shall be by any one of the following methods:

(a) By a percentage of the tax value of the property assessed.

(b) In proportion to the benefits which may result from the improvement.

(c) By the foot frontage of the property bounding or abutting upon the improvement.

Preliminary Resolution.

SECTION 194. When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessment, the mode of payment, and the number of annual instalments, whether the assessments shall be by district or upon abutting, adjacent and contiguous or other special benefited property; and such resolution shall be concurred in by three-fourths of the members of the council. Such resolution shall be certified to the director of finance, who shall thereupon proceed to make an assessment report, in accordance with the method of assessment provided for in the resolution, which report shall be filed with the council, and shall show the lots and lands assessed, the amount of the assessment as to each, and the number of installments not exceeding ten in which such assessment shall be paid.

Plans of Proposed Improvements.

SECTION 195. At the time of the passage of the resolution provided for in the section preceding, there shall be on file in the office of the director of public service, plans, specifications, estimates and profiles of the proposed improvements, giving all necessary information; and such plans, specifications, estimates and profiles shall be open to the inspection of all interested persons.

Notice of Assessments.

SECTION 196. Upon the filing of his assessment report, the director of finance shall cause written notice to be served upon the owner of each lot or parcel of land to be assessed, or otherwise affected, or upon the persons in whose names the same may be assessed for taxation upon the tax duplicate. Said notice shall be served in the manner provided for service of summons in civil action; and as to all non-residents and persons who cannot be found, publication of such notice shall be made at least once in a newspaper of general circulation in the city. The notice shall contain a statement of the character of the proposed improvement, the fact that the assessment re-

port has been filed with the council, the rate of such assessment, the number of installments, and shall state a time and place when complaints and claims will be heard before the the board of revision of assessments.

Final Assessments.

SECTION 197. Whenever the board of revision of assessments shall have made its final report to the council as to any improvement, the council, if it determine that the improvement shall proceed, shall pass an ordinance levying the assessment as reported by the board of revision of assessments, and directing that the improvement proceed. In the ordinance it shall be sufficient to describe the lots and lands abutting upon the improvement and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement, between and including the termini of the improvement; and in describing lands which do not abut, it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments.

Special Assessments—When Payable.

SECTION 198. Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, and shall be a lien from the date of assessment upon the respective lots and parcels of land assessed, enforceable in the manner provided by statute.

Board of Revision of Assessments.

SECTION 199. The board of revision of assessments shall consist of the mayor, the director of law, the director of finance, the director of public service, and the president of the council. The mayor shall be the president of the board, and the director of finance shall be the secretary thereof. It shall meet weekly at a time and place provided by its rules, and shall hear all claims and objections as to the character of all improvements to be paid for in part or in whole by special assessments, the necessity therefor, and the equity of the assessment as provided for in the assessment report. A majority of those constituting the board of revision of assessments shall have power to determine all complaints and objections submitted. As to each improvement, the board shall, after such hearing, amend, equalize, and adjust the assessment report, and shall report to

the council its findings as to the necessity for the improvements, and any amendment it directs in the assessments.

Claims for Damages—Waiver.

SECTION 200. An owner of a lot or of land bounding and abutting upon a proposed improvement, claiming that he will sustain damage by reason of the improvement, shall present such claim to the board of revision of assessments within two weeks after the service of notice or the completion of the publication herein provided for. Such claim shall be in writing, and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue, and shall be filed with the director of finance. Any owner who fails so to do shall be deemed to have waived such damages, and shall be barred from filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from acts of the city or its agents. If subsequent to the filing of such claim, the owner sell the property, or any part thereof, the right of damages, if any, shall follow the ownership of the land without transference of the claim. The board of revision of assessments shall report to the council all such claims for damages filed with it.

Damages Assessed Preliminary to Improvement.

SECTION 201. At or before the time of the passage of the ordinance directing that the improvement shall proceed, the council shall determine whether the claims for damages so filed shall be judicially inquired into before commencing, or after the completion of, the proposed improvement. If it decide that the damages shall be assessed before commencing the improvement, the city attorney shall then make such application and such proceedings shall be had thereon as are provided by statute relating to the assessment of damages on such claims.

Damages Subsequently Assessed

SECTION 202. If the council determines to assess the damages after the completion of the improvement for which a claim for damages has been filed, the city attorney shall within ten days after the completion of the improvement make

written application and the same proceedings shall be had as provided in the next preceding section.

Suit for Damages.

SECTION 203. No person who claims damages arising from any cause shall commence a suit therefor against the city until sixty days after he shall have filed a claim for such damages with the director of finance. This provision shall not apply to an application for an injunction, or other proceeding to which it may be necessary to resort in case of urgent necessity.

Lands Unalloted or Not On Duplicate.

SECTION 204. When special assessments are levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement, and there are lands subject to such assessment which are not assessed for taxation, the director of finance shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands at such depths as the director of finance considers a fair average of the depth of lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not subdivided into lots, but are assessed for taxation, the director of finance shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

Interest on Assessment Bonds.

SECTION 205. When bonds or notes are issued in anticipation of the collection of assessments, the interest thereon shall be treated as part of the cost of the improvement for which assessments may be made.

Limitation on Assessments.

SECTION 206. The council shall limit all assessments to the special benefits conferred upon the property assessed and in no case shall there be levied within a period of five years on any lot or parcel of land any assessments for any or all purposes in excess of thirty-three and one-third per cent of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of the council, would be required to construct an ordinary street sewer or drain of suffi-

cient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

City's Portion of Cost.

SECTION 207. The city shall pay such part of the cost and expense of improvements for which special assessments are levied as the council deems just, which part shall not be less than one-fiftieth of all such cost and expense; and in addition thereto, the city shall pay the cost of intersections. The council may provide for the payment of the city's portion of all such improvements by the issuance of bonds or notes therefor, and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon.

Replacing Improvements.

SECTION 208. The council may provide in whole or in part the cost of replacing any improvement existing in a street at the time of the adoption of this charter, by levying special assessments as herein provided for; but any assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty per cent of the cost of such replacement.

No allowance shall be made for any replacement and no part of the cost of the making of a street improvement shall be paid by the city, unless such street to be improved shall have been previously graded to an established grade, curbing set and the roadway of said street improvement shall have been previously paved with vitrified blocks or such other material as is provided for the paving of streets in the city.

Supplementary Assessments and Rebates.

SECTION 209. Upon the completion of any improvement, the director of finance shall rebate to the then owners of the property which shall have been assessed to pay for such improvement, any unexpended surplus. In the event of a deficit in the fund provided for such improvement, the director of finance shall report to the council a supplementary assessment within the limitations herein provided for, which supplementary assessment shall be made by ordinance of the council and certified for collection as is provided in the case of original assessments.

Sewer and Water Connections.

SECTION 210. The director of public service shall have authority to compel the making of sewer and water connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer or water connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person, designated by the director of public service, in the manner provided for the service of summons in civil actions. Non-residents, or persons who cannot be found, may be served by one publication of such notice in a newspaper of general circulation in the city. The notice shall state the time within which such connections shall be constructed; and if they be not constructed within the said time, the work may be done by the city and the cost thereof, together with a penalty of five per cent and interest, assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements.

Sidewalks.

SECTION 211. The council may declare that certain specified sidewalks, curbings, or gutters shall be constructed or repaired. Upon the passage of such resolution, the director of public service shall cause written notice of the passage thereof to be served upon the resident owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, in the manner provided by law for the service of summons in civil actions. For the purpose of such service, if the owner of any such property be not a resident, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. But if it shall appear from any such return that the owner is a non-resident, or that neither such owner nor agent can be found, one publication of a copy of the resolution in a newspaper of general circulation in the city shall be deemed sufficient notice to such owner.

City May Repair or Construct Sidewalks.

SECTION 212. If sidewalks, curbings or gutter be not constructed or repaired within fifteen days from the service of the notice provided for in the preceding section, or the completion of the publication thereof, the director of public service may proceed by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner, as in the case of other improvements. Such expense shall be reported by the director of public service to the council, which shall by ordinance assess said expense upon the owner or owners of the property bounding or abutting thereon. Such assessment shall be collected in the same manner as other assessments, with a penalty of five per cent and interest for failure to pay at the time fixed by the assessment resolution.

Assessment Bonds.

SECTION 213. The council may borrow money and authorize the issuance of notes or bonds therefor in anticipation of the collection of assessments levied for the purpose of paying the cost of constructing or repairing sidewalks, curbings, and gutters which are to be or have been constructed by the director of public service, upon the failure of the owners of the property to construct or repair the same.

CHAPTER XII.**FRANCHISES.****Grants.**

SECTION 214. The council may grant permission to any individual, company, or corporation to construct and operate a public utility in the streets and public grounds of the city, subject to the provisions of statute requiring consents of abutting owners, and subject also to the provisions of this charter. The ordinance shall prescribe the kind and quality of service or produce to be furnished, the rate or rates to be charged therefor, the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest.

Renewals.

SECTION 215. Not earlier than one year prior to the termination thereof, the council may renew any existing grant of a franchise for the construction or operation of a public utility, upon any terms conducive to the public interest. The renewal ordinance shall be subject to all the provisions of this charter affecting the original ordinance.

No Franchise to be Exclusive.

SECTION 216. No right to construct, maintain, or operate any public utility in the city of Toledo shall be exclusive, nor shall it be granted for a longer period than twenty-five years.

Termination of Franchise Grants.

SECTION 217. All such grants and renewals thereof shall reserve to the city the right to terminate the same, and to purchase or lease all the property of the utility in the streets and highways in the city and elsewhere, used in or useful for the operation of the utility, at a price fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility, by purchase, condemnation, or otherwise, all grants or renewals shall at once terminate.

Value of Grant Not to Be Considered.

SECTION 218. No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility, by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

Extensions of Appliances and Service.

SECTION 219. The council may grant to any individual, company, or corporation operating a public utility, the right to extend the appliance and service of such utility. All such extensions shall become a part of the aggregate property of the utility by virtue of the ordinance providing for its con-

struction and operation, and shall thereafter be subject to all the terms, conditions, and provisions of the original grant. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made or any renewal thereof.

Supervision by the Council.

SECTION 220. The council at all times shall control the distribution of space, in, over, under, or across all streets or public ground occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the council to require such reconstruction, relocation, change, or discontinuance of the appliances used by the utility in the streets, alleys, avenues and highways of the city, as in the opinion of the council shall be necessary in the public interest.

Extension by Annexation.

SECTION 221. In every such grant it shall be provided that upon the annexation of territory to the city, the portion of any such utility that may be located within such annexed territory and upon the streets, alleys, or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

Reports to City by Grantee.

SECTION 221. No ordinance making such grant, renewal, or extension shall be valid unless it shall expressly provide therein that the grantee shall make to the city, at prescribed annual periods, a statement of the assets, liabilities, receipts and disbursements of the public utility operating under such grant, renewal or extension. Such statement shall be in detail adequate for determining the cost of the service rendered, and shall be signed and sworn to by the grantee or its proper officer or officers. Such ordinance shall also reserve to the city the right of verifying such statements by examination of the books and records of the grantee.

Forfeiture of Grant.

SECTION 222. If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant or by any of its stockholders, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option

of the city council to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city council for the violation by the grantee of any of the terms thereof.

CHAPTER XIII.

CONTRACTS.

Alterations or Modifications in Contract.

SECTION 223. When, in the prosecution of any work, or improvement under contract, it becomes necessary to make alterations or modifications in such contract, such alterations or modifications shall be made only upon the written order of the director of the appropriate department. No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the director in behalf of the city.

Certified Contracts.

SECTION 224. No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council, or be authorized by any officer of the city, unless the director of finance first certify to the council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall thereafter be considered appropriated until the city is discharged from the contract, agreement, or obligation.

What Shall Authorize Certification.

SECTION 225. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments, or from sales of services, products, or by-products, or from any city undertak-

ings, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purposes of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

Contracts in Excess of Five Hundred Dollars.

SECTION 226. No contract involving the expenditure of five hundred dollars or more shall be entered into, unless the same shall have been first authorized by the council and shall have been approved by the mayor and the director of the department interested.

Certain Contracts and Measures Void.

SECTION 227. All contracts, agreements, or other obligations entered into, and all ordinances, resolutions, and orders adopted, contrary to the provisions of the three preceding sections, shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, complying with this or the three preceding sections, or fasten upon the city any liability whatever in excess of such limits, or release any party from an exact compliance with his contract under such ordinance, resolution, or order.

Public Improvements by Contract or Direct Labor.

SECTION 228. Public improvements of all kinds may be made by the appropriate department, either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the city shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the city to be exacted in a like sum for every day of delay beyond a specified date.

CHAPTER XIV.

SUBDIVISIONS AND DEDICATIONS.

Plat of Subdivision.

SECTION 229. A proprietor of lots or grounds within the city who subdivides or lays them out for sale, shall cause to be made an accurate map or plat of such subdivision, describing with certainty all grounds laid out, or granted for streets, alleys, ways, commons or other public uses. Lots sold or intended for sale shall be numbered by progressive numbers, or described by the square in which situated, and the precise length and width shall be given of each lot sold or intended for sale. Such map or plat shall be subscribed by the proprietor, or his agent duly authorized in writing, acknowledged before an officer authorized to take the acknowledgment of deeds, and recorded in the office of the county recorder.

Vesting of Title in City.

SECTION 230. The map or plat so recorded shall thereupon be a sufficient conveyance to vest in the city the fee of parcel or parcels of land designated or intended for streets, alleys, ways, commons, or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated, or intended.

Platting Commissioners.

SECTION 231. The director of public service shall be the platting commissioner of the city. Subject to the approval of the city plan commission, he shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of the proper width, and to be coterminous with adjoining streets and alleys, and otherwise to conform with the regulations prescribed by the commission. Whenever the council shall deem it expedient to plat any portion of territory within the city limits, in which the necessary or convenient streets or alleys have not already been accepted by the city so as to become public streets, or when any person plats any land within the corporate limits, or within three miles thereof, if such plats are in accordance with the rules as approved by the city plan commission, the commissioner shall endorse his written approval thereon. No plat sub-

dividing lands within the corporate limits, or within three miles thereof, shall be entitled to record in the county recorder's office without such written approval so endorsed thereon.

Effect of Platting.

SECTION 232. No streets or alleys, except those laid down on such plat and bearing the approval of the platting commissioner, as hereinbefore provided, shall subsequently in any way be accepted as public streets, or alleys, nor shall any public funds be expended in the repair or improvement of streets and alleys subsequently laid out and not on such plat. This restriction shall not apply to a street or alley laid out by the city, nor to streets, alleys or public grounds laid out on a plat by or with the approval of the platting commissioner.

Dedication of Streets.

SECTION 233. No street or alley dedicated to public use by the proprietor of ground in the city shall be deemed a public street or alley, or under the care or control of the council, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions hereof relating to subdivisions shall have been complied with.

Date Due

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The Ohio State University




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PROPOSED CHARTER FOR THE CITY OF TOLEDO

THE OHIO STATE UNIVERSITY BOOK DEPOSITORY



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